

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12, 14-19, 21-28, 30, and 32-35 are currently pending. Claims 1, 16, 25, 34, and 35 have been amended; and Claims 13, 20, and 29 have been canceled without prejudice by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-30 and 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,987,513 to Prithviraj et al. (hereinafter “the ‘513 patent”) in view of U.S. Patent No. 5,655,081 to Bonnell et al. (hereinafter “the ‘081 patent”).

Amended Claim 1 is directed to a computer-implemented remote device monitoring system, comprising: (1) a local monitoring device configured to collect information from a device connected to a first network using an SNMP protocol, and to send the information to a monitor connected to a second network via a wide area network using a protocol; and (2) the monitor configured to receive the information using the protocol and to store the information in association with an IP address of the device in a digital repository connected to the second network. Further, Claim 1 recites that the local monitoring device is configured to automatically request the information from the device, without receiving any instructions from the monitor requesting that the information be collected from the device, and after initialization of the local monitoring device, the local monitoring device is configured to automatically send the information to the monitor, without receiving any instructions from the monitor requesting that the collected information be sent. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

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<sup>1</sup> See, e.g., Figures 10 and 11 and the discussion related thereto in the specification.

Regarding the rejection of Claim 1 under 35 U.S.C. §103(a), the Office Action asserts that the '513 patent discloses everything in Claim 1 with the exception of "local monitoring devices being autonomous in their receiving and sending actions,"<sup>2</sup> and relies on the '081 patent to remedy those deficiencies. As motivation to combine the cited references, the Office Action asserts that one of ordinary skill in the art would have been motivated to make those suggested combinations "to provide an enterprise management system that will increase automation and efficiency (column 6, lines 20-22, Bonnell)."<sup>3</sup>

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. Further, Applicants respectfully submit that the rejections of Claims 13, 20, and 29 are rendered moot by the present cancellation of those claims.

The '513 patent is directed to a network-based management system using browser-based technology. As shown in Figure 1, the '513 patent discloses a network management station 101 that can be used to manage all of the elements in networks 110, 150, and 190. In particular, the '513 patent discloses that hypertext documents are used to graphically represent the network elements and to allow a user to manage the network by clicking on hyperlinks, which causes the system to retrieve information related to the corresponding network elements. For example, the '513 patent discloses that the simple network management protocol (SNMP) is used to retrieve information from the network elements using agents residing on the server or client computers. However, Applicants respectfully submit that the '513 patent fails to disclose both a local monitoring device configured to collect information from a device connected to a first network using SNMP, and a monitor, connected to a second network via a wide area network, configured to receive the information using a protocol, wherein the local monitoring device is configured to automatically request the information from the device, without receiving any instructions from the monitor

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<sup>2</sup> See page 3 of the outstanding Office Action.

<sup>3</sup> See page 4 of the outstanding Office Action. Emphasis added.

requesting that the information be collected from the device, as recited in amended Claim 1. Rather, the '513 patent merely discloses a web-based network management station configured to obtain information from a device over a network, in response to user commands, by directing an agent to obtain various data values using SNMP commands.<sup>4</sup> In this regard, Applicants note that the outstanding Office Action appears to admit that the '513 patent fails to disclose a local monitoring device that is configured to automatically request information from the device, without receiving any instructions, and to automatically send the information to the monitor, without receiving any instructions, as recited in Claim 1. As discussed above, the '513 patent requires the user to initiate a request for collection and sending of information to the network management station. Further, Applicants respectfully submit that the '513 patent fails to disclose that the monitor is configured to receive the information using the protocol and to store the information in association with an IP address of the device in a digital repository connected to the second network, as recited in Claim 1. The '513 patent fails to disclose the storage of information in association with an IP address of a particular device, as recited in Claim 1.

The '081 patent is directed to a system for monitoring and managing computer resources and applications across a distributed computing environment. As shown in Figure 1, the '081 patent discloses agent software 36 located in a storage device of a server computer system 14. As shown in Figure 16, the '081 patent discloses that certain resources are to be monitored and managed at all times (default resources). However, as shown in Figures 17-21, the '081 patent discloses that information collected by the agent is sent only to consoles that have registered with the agent to receive the particular information. Thus, Applicants respectfully submit that the '081 patent fails to disclose that, after initialization of the local monitoring device, a local monitoring device is configured to automatically send the

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<sup>4</sup> See, e.g., '513 patent, column 8, line 55 to column 9, line 51.

information to a monitor, without receiving any instructions from the monitor requesting that the collected information be sent, as recited in Claim 1. Rather, the '081 patent discloses that only specifically requested information is sent only to consoles that have registered with the agent, i.e., have sent registration information to the agent indicating which resources and parameters are to be monitored for that console. In this regard, Applicants note that, in the Response to Remarks section on page 33 of the outstanding Office Action, the Office Action asserts that each agent is able to carry on a dialog of communication with manager software systems via the network, which means that the agents are able to both receive and send data automatically. However, Applicants respectfully submit that Claim 1 does not recite being "able to both receive and send data automatically."<sup>5</sup> Rather, Claim 1 requires that after initialization of the local monitoring device, the local monitoring device is configured to automatically send the information to the monitor, without receiving any instructions from the monitor requesting that the collected information be sent. As discussed above, the consoles must register to receive information. Further, Applicants respectfully submit that the '081 patent fails to disclose that the monitor is configured to receive information using the protocol and to store the information in association with an IP address of the device in a digital repository connected to the second network, as recited in Claim 1. The '081 patent fails to remedy the deficiencies of the '513 patent in this regard and does not disclose storage of information in association with an IP address of the device, as recited in Claim 1.

Thus, no matter how the teachings of the '513 and '081 patents are combined, the combination does not teach or suggest a monitor configured to receive the information using the protocol and to store the information in association with an IP address of the device in a digital repository connected to the second network, and that after initialization of the local monitoring device, the local monitoring device is configured to automatically send the

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<sup>5</sup> See page 33 of the outstanding Office Action.

information to the monitor, without receiving any instructions from the monitor requesting that the collected information be sent. Accordingly, Applicants respectfully submit that Claim 1 (and all similarly rejected dependent claims) patentably defines over any proper combination of the '513 and '081 patents.

In the outstanding Office Action, the stated motivation for combining the teachings of the '513 and '081 patents is "to provide an enterprise management system that will increase automation and efficiency (column 6, lines 20-22, Bonnell)."<sup>6</sup> Initially, however, Applicants note that this is a stated objective of the inventors of the '081 patent. Moreover, Applicants note that the '081 patent reveals that this objective has been achieved by the subject matter disclosed by the '081 patent. Accordingly, it is unclear how the cited passage can serve as motivation for one of ordinary skill in the art to modify the '513 patent. The inventors of the '081 patent have solved the problem and achieved their objective.

Further, it is unclear to Applicants how the "enterprise management system" disclosed by the '081 patent is related to the present claims.

Moreover, Applicants note that the '513 patent discloses the use of SNMP commands. However, the '081 patent disclose that "...an SNMP system is inefficient and inflexible and that a console must request information from the agent about objects on a piecemeal basis, one request per piece of information, causing increase in network traffic as well as overhead in the computer system running the consult."<sup>7</sup> Accordingly, Applicants respectfully submit that one of ordinary skill in the art, having read the '081 patent, would have been motivated not to combine the teachings of the '513 and '081 patents, contrary to the suggestion in the outstanding Office Action. The '081 patent *teaches away* from using SNMP, which is a central component of the '513 system. Accordingly, for this additional reason, Applicants

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<sup>6</sup> Page 4 of the outstanding Office Action.

<sup>7</sup> '081 patent, column 6, lines 9-14. Emphasis added.

respectfully submit that the Office Action has failed to provide motivation for combining the teachings of the '513 and '081 patents.

Claims 16, 25, and 34 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 16, 25, and 34 have been amended in a manner analogous to the amendments to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claims 16, 25, and 34 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over any proper combination of the '513 and '081 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

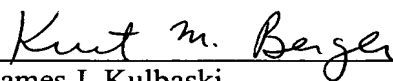
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

JJK/KMB/law  
I:\ATTY\KMB\198775US-AF.DOC

  
James J. Kulbaski  
Attorney of Record  
Registration No. 34,648  
Kurt M. Berger, Ph.D.  
Registration No. 51,461